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HOUSE BILL 2401 By
Brown

SENATE BILL 2649
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 31, relative to nepotism.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 31, is amended by deleting Part 1 and by substituting instead the following:

§ 8-31-101. This act shall be known and may be cited as the "Public Employee Uniform Nepotism Policy Act."

§ 8-31-102. As used in this act, unless the context otherwise requires:

(1) "Governmental entity" means any state or local agency, authority, board, commission, department, office or entity within the executive or judicial branch of state or local government or any autonomous state or local agency, authority, board, commission, department, office, entity or institution of education; provided, that "governmental entity" does not include any agency or office of the legislative branch of state or local government;

(2) "Public employee" means any person who is employed by a governmental entity; and

(3) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.

§ 8-31-103. Within each governmental entity, no public employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, the provisions of this act shall not be construed to prohibit two (2) or more such relatives from working within the same governmental entity.

§ 8-31-104. When as a result of a marriage, public employees are in violation of the prohibition established by § 8-31-103, such violation shall be resolved by means of such transfer within the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. The appointing authority of such governmental entity shall advise the employees of each of the alternatives available to remove such violation. Such employees shall be given the opportunity to select among such available alternatives. If such employees are unable to agree upon any such alternative within sixty (60) days, then the appointing authority shall take appropriate action to remove such violation.

§ 8-31-105. The prohibition established by § 8-31-103 shall not be applied retroactively, but shall be enforced by each governmental entity in all hiring and employee transactions occurring subsequent to the effective date of this act.

§ 8-31-106. The provisions of this act shall be applied uniformly and shall constitute the nepotism policy of each governmental entity. No such governmental entity shall adopt a nepotism policy less stringent than the provisions of this act.

§ 8-31-107. The provisions of this act do not apply to spouses serving together as house parents within any special school or residential facility operated by a governmental entity.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.